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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,943	04/12/2001	Kristine J. Wilson	RA 5327 (USYS.020PA)	3237
27516	7590	06/23/2005	EXAMINER	
UNISYS CORPORATION MS 4773 PO BOX 64942 ST. PAUL, MN 55164-0942			SUAZO, RAINIER A	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,943

Applicant(s)

WILSON ET AL.

Examiner

Rainier Suazo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are pending in this application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 6, 7, 12, 13 and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 11, 16, 17 and 20 of U.S. Patent No. 6,728,764 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because they only present two differences: 1) the claims of 6,728,764 B1 do not elaborate the details of the client side of the claimed invention; and focuses on the elements of the intermediate systems such as the management interface processor, the system operations program and the logical console objects to provide an operations interface to the operating system; and 2) word variations explained on *Table a*.

Table a:

Application Number: 09/833,943	Patent Number: 6,728,764 B1
<p><u>Claim 16.</u> A computing arrangement for operating a data processing system, comprising: a data processing system including a plurality of partitions, each partition including a processor arrangement hosting an operating system;</p> <p>a management interface processor coupled to the data processing system and hosting a plurality of logical console objects,</p> <p>each logical console object coupled to a respective partition;</p> <p>an operations server computer system hosting a plurality of instances of a system operations program,</p> <p>each instance of the system operations program <u>coupled to a respective logical console object</u>;</p> <p>one or more display stations hosting independently operable instances of a console view, each instance of the console view coupled to a selected instance of the system operations program and configured to provide a user interface for operating the data processing system, wherein the system operations program is configured to transmit data received from a console view to a respectively coupled logical console object and transmit data received from a logical console object to one or more instances of a console view.</p>	<p><u>Claim 16.</u> An apparatus for operating a partitioned data processing system, each partition including a processor arrangement hosting an operating system</p> <p>which is coupled to a management interface processor, wherein the management interface processor is coupled to a network having one or more <u>workstations</u> coupled thereto, comprising:</p> <p>means for instantiating on the management interface processor respective sets of logical console objects for each partition of the data processing system;</p> <p>means for initiating on one or more selected ones of the workstations respective instances of a system operations program for the logical console objects;</p> <p>means for <u>coupling</u> the instances of the system operations program to the <u>logical console objects</u>; and means for providing an operations interface for the partitions.</p>

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zalewski et al (U.S. 6,647,508 B2), hereinafter 'Zalewski' in view Stedman et al. (U.S. 5,968,119), hereinafter 'Stedman'.

Regarding claims 1, 6, 7, 12, 13 and 16, Zalewski taught *a data processing system including a plurality of partitions, each partition including a processor arrangement hosting an operating system (Fig. 2, column 4 lines 32- 48)* further comprising a limited console multiplexer 228, depicted in **figure 2 and in column 7 lines 1-7**, as well.

Zalewski did not teach an extended console access mechanism.

Stedman taught an extended console access mechanism in the form of a method and apparatus for accessing information of a data processing system, comprising: a management interface processor (server application framework) coupled to the data processing system and hosting a plurality of logical console objects (display control) (**Fig. 13, column 19 lines 9-12**), each logical console object (display control) coupled to

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a respective partition (host computer) (**Fig. 13, column 19 lines 9-12 and lines 32-35**); an operations server computer system (server computer) hosting a plurality of instances of a system operations program (host extension), each instance of the system operations program coupled to a respective logical console object (display control) (**Figs. 13-14, column 19 lines 18-35**); one or more display stations (client computer) hosting independently operable instances of a console view (browser) (**Fig. 13, column 18 lines 38-41**), each instance of the console view coupled to a selected instance of the system operations program and configured to provide a user interface for operating the data processing system (**Fig. 13, column 18 lines 19-33**), wherein the system operations program is configured to transmit data received from a console view to a respectively coupled logical console object and transmit data received from a logical console object to one or more instances of a console view (**Fig. 13-14, column 19 lines 9-41**). Examiner clarifies that Stedman's disclosure is not limited to a single client, for instance in **column 4 lines 49-54** it is stated that the preferred embodiments are suited for one or more client computers **104**. Examiner clarifies that Stedman's disclosed browsers (see **column 6 lines 39-44**) used to interact with the host computers **106**, are known to be independently operable as being capable of displaying independent documents linked to different hosts computers **106**. It is further noticed that console objects are additionally commensurate with session objects inherently present in the host computers **106** every time a valid connection is opened from a client computer.

It would have been obvious to one of ordinary skill in the art working with Zalewski at the time of the invention was made to modify the methods/systems of Zalewski with the teachings Stedman, in order provide an improved access method or system avoiding the limitations of the multiplexer **228** (Zalewski: **column 1 lines 1-7**). Zalewski invention relates mainly to the management of operating systems instances executing cooperatively with resources subdivided into partitions (see **abstract**), therefore the inclusion of a primitive consolidated console for the system partitions denotes a need to simplify the access to the different partitions; at the same time motivates the exploration of the art of providing simplified access mechanisms for a plurality of hosts instances. The combination would have benefited Zalewski by adding an extended console access mechanism (as taught by Stedman from **column 18 lines 19 to column 19 line 41**) to the data processing system including a plurality of partitions, each partition including a processor arrangement hosting an operating system (Zalewski: **Fig. 2, column 4 lines 32- 48**).

Zalewski modified by Stedman is hereinafter referenced to as **the combination**.

Regarding claims **2, 8, 14 and 17**, **the combination** further taught each instance of the console view is configured to display data received in a manner consistent with a first respective set of configuration parameters associated with the instance of the console view in the form of "templates" (Stedman: **Abstract, column 3 lines 3-14 and column 15 lines 31-34**), wherein Stedman recites:

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"The invention also includes a process of determining whether a pre-existing **instruction template** corresponding to a host computer screen exists, and, if it does, sending the pre-existing instruction template to the client computer instead of creating a new set of instructions..."

The template recited by Stedman corresponds to configuration files (a "set of configuration parameters") well known in the art of terminal emulation in post-character-based systems and used to save user preferred display/connection parameters. Such parameters typically include font size, foreground and background colors, and other console configurable parameters that the end-user wants to have available as permanent parameters; thus avoiding to have to configure such parameters every time he/she logs in back to a particular system. Moreover, in the background of the invention, Stedman taught the use of emulation software (**column 1 lines 30-45**), known to have capabilities to save configuration files in the client computer.

Regarding claims **3, 9, 15 and 18**, the combination further taught details regarding that each instance of the console view is configured to select a subset of data from data received as a function of a second respective set of configuration parameters associated with the instance of the console view and display the subset of data (**Stedman: Abstract, column 3 lines 14-19**), wherein Stedman recites:

"An instruction template may further include a **pull data field that specifies information is desired from the host computer**. When the server computer finds a pull data field, the information is retrieved, and inserted in the instruction template in place of the pull data field."

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It can be appreciated that **the combination** first retrieves the screen data from the host computer and then parse or filter the fields presented in the screen space (**Stedman: column 15 lines 34-45**).

Regarding claims **4 and 10, the combination**, further taught details wherein at least one of the one or more instances of the console view executes on a computer system other than the computer system on which the coupled instance of the system operations program executes (**Stedman: Figs. 13-14, from column 18 line 19 to column 19 line 41 and column 5 lines 44-65 in reference to figure 1b**). Notice that it is expressly disclosed one or more client computers **104** (**Stedman: column 4 lines 49-54**), coupled to a server computer **108**, which in turn connects to a host computer **106** or, as modified to the partitioned data system **200** (**Zalewski: Fig. 2, column 4 lines 32- 48**). Moreover, **the combination** further taught a system independent from the systems running the partitioned data system **200** and hosting the console presentation software (**Zalewski: Fig. 2, from column 7 lines 2-7**).

Regarding claims **5 and 11, the combination** additionally taught further initiating on one or more selected ones of the computer systems an operations interface program (**column 1 lines 30-45 [depicting a system having the host connectivity functionally in the client side of a distributed data processing system]**); receiving at the operations interface program a connection request from an instance of the console view; creating a connection with the instance of the console view (**column 18**

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lines 38-43); and transferring the connection with the instance of the console view from the operations interface program to an instance of the system operations program **(column 18 lines 43-53)**. As illustrated above the combination taught all the elements of the claimed limitations. Although part of the elements are disclosed in a description of the stated of the art prior the invention disclosed by Stedman, it is appreciated that it would have been obvious for one of ordinary skill in the art working with **the combination** at the time of the instant claimed invention to further combine elements of the prior art with the invention of **the combination**, to send the requests from the browser or "console view" to a module located inside the client computer or in a separate system to further connect with the host computer or the partitioned data system.

Response to Argument

Applicant's arguments with respect to claim **1-18** have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's arguments in reference to the objection to the drawings, the drawings are accepted.

Conclusion

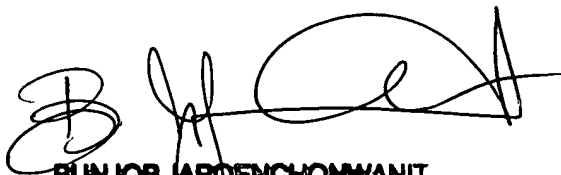
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 for details. Applicant is encouraged to further review the background of the invention in references B and C listed in the attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931. The examiner can normally be reached on Monday through Friday, 8:00-5:00..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2144


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PRIMARY EXAMINER